



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Nancy O’Dennis-
Bliszczy, Permit Coordination Officer
1 Environmental Protection
(PS6720G), Department of
Environmental Protection

Examination Appeal

CSC Docket No. 2019-771

ISSUED: MARCH 6, 2019 (ABR)

Nancy O’Dennis-Bliszczy appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Permit Coordination Officer 1, Environmental Protection (PS6720G), Department of Environmental Protection.

The subject examination was open to applicants who possessed a Bachelor’s degree and three years of experience in processing and approving permits, licenses, certifications and/or registrations, including providing compliance assistance, customer service and information to the public for the completion of permit, license, certification and/or registration applications as of the January 22, 2018 closing date. Applicants who did not possess the required education could substitute additional experience, with 30 semester hour credits being equal to one year of experience. The subject eligible list, containing one name, promulgated on August 23, 2018 and expires on August 22, 2021. To date, no certifications have been issued from the subject eligible list.

On her application, the appellant stated that she possessed an Associate’s degree with 86 semester hour credits. Therefore, pursuant to the substitution clause for education, she needed to possess four years and two months of applicable experience. With regard to her experience, she stated, in relevant part, that she served provisionally in the subject title from March 2017 to the closing date (January 2018) and as a Principal Technician, MIS, from November 1997 to February 2017. The appellant indicated that her duties as a Principal Technician, MIS included, in part, reviewing and processing underground storage tank permits;

assisting underground storage tank owners and operators with permits; and communicating with underground storage tank owners and operators about compliance with State regulations. Agency Services credited the appellant with 11 months of applicable experience based upon her provisional service in the subject title. However, Agency Services noted that any applicable duties that the appellant may have performed while serving in the Principal Technician, MIS title would be out-of-title. Therefore, she was deemed ineligible, as she lacked an additional three years and three months of the required applicable experience.

On appeal, the appellant submits, in part, a letter of support from her supervisor, Rafael Rivera, Section Chief, who states that the appellant was responsible for processing and approving registration applications for the operation of regulated underground storage tanks for more than 19 years. The appointing authority also submits a letter of support, wherein it confirms that the appellant has been performing the above-referenced duties since 1999 and it states that she was assigned out-of-title duties as a as a Principal Technician, MIS because of attrition and a hiring freeze.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because she did not meet the experience requirement as of the January 22, 2018 closing date. A review of the record indicates that the appellant performed applicable duties as a Principal Technician, MIS. However, any applicable duties she performed while serving in that title would be considered out-of-title work. Ordinarily, the Commission looks to whether or not “good cause” has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In the instant matter, the appointing authority has confirmed that the appellant possesses more than three years and three months of applicable out-of-title work experience. Moreover, the record evidences that the list is incomplete as there is only one name currently on the subject eligible list. Furthermore, the appellant continues to serve provisionally in the subject title. Therefore, good cause exists to accept the out-of-

title work experience for the appellant, for eligibility purposes only, and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF MARCH, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Nancy O'Dennis-Blisz
Carla Winbush
Kelly Glenn
Records Center